

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LICKERISH, LTD.,

Plaintiff,

– *against* –

DEARJULIUS.COM, INC.,

Defendant.

**ORDER**

22-cv-3290 (ER)

Ramos, D.J.:

The Court held a show cause hearing for default judgment on November 30, 2022. At that hearing, Lickerish requested additional time to amend the attorney declaration supporting its proposed default judgment order. Specifically, counsel for Lickerish indicated that he would (1) revise the damages calculation and (2) address discrepancies in the paragraphs corresponding to proposed damages by Friday, December 2, 2022.

Lickerish filed the amended declaration of attorney R. Terry Parker, along with a proposed default judgment order and various other supporting documents, on December 6, 2022. Doc. 23. However, these documents continue to suffer from various defects. First, at the show cause hearing, counsel for Lickerish indicated that only five of the nine works at issue qualify for statutory damages. However, the amended declaration states that Lickerish seeks statutory damages “for the infringement of the *nine* photographs at issue in this litigation,” without addressing the discrepancy between this statement and counsel’s representation at the hearing. Doc. 23 ¶ 11 (emphasis added); *see also* Doc. 23 § 17 (noting that Lickerish requests “\$10,000 per infringed work”).

Additionally, the last line of the proposed default judgment order contains a typographical error. It proposes that the Court enjoin Dearjulius.com from “acting in any other

manner to Plaintiff's intellectual property rights," and is thus missing necessary language. Doc. 23-1 at 3.

Accordingly, the proposed default judgment is DENIED without prejudice. Lickerish is directed to submit a second amended declaration and revised proposed default judgment order by Wednesday, December 14, 2022. It is specifically instructed to:

- (1) specify which of the works at issue qualify for the requested statutory damages, and clarify the basis for the \$90,000 damages figure; and
- (2) revise the proposed default judgment order to address the typographical error.

It is SO ORDERED.

Dated: December 7, 2022  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.